

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

JOSHUA SOMOGYI, KELLY  
WHYLE SOMOGYI and STEWART  
SIELEMAN, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

FREEDOM MORTGAGE CORP.,

Defendant.

Case No. 1:17-cv-06546-RMB-JS

CLASS ACTION

JURY TRIAL DEMANDED

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT**

Plaintiffs Joshua Somogyi, Kelly Whyte Somogyi and Stewart Sieleman  
(collectively, "Plaintiffs") respectfully move this Court pursuant to FED. R. CIV. P.  
23 for entry of an Order:

(1) preliminarily approving the proposed Settlement<sup>1</sup> of this Action as set  
forth in the Parties' agreed-upon proposed Preliminary Approval Order, attached as  
Exhibit A to the Settlement Agreement;

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<sup>1</sup> Unless otherwise stated, all capitalized terms used in this motion are as defined in the Settlement Agreement dated as of July 31, 2019 (the "Settlement Agreement"). A copy of the Parties' Settlement Agreement and accompanying exhibits is attached as Exhibit 1 to the Declaration of Lawrence J. Lederer in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, filed concurrently herewith (the "Lederer Decl.>").

(2) preliminarily certifying, for purposes of the proposed Settlement, the Settlement Class defined in the Settlement Agreement and Plaintiffs as the representatives of the Settlement Class and Settlement Class Counsel as counsel to the Settlement Class;

(3) approving, as to form and content, the Notice of Class Action Settlement, Application for Attorneys' Fees and Costs, and Court Hearing (the "Notice") and the Summary Notice with "Tear-Off" Claim and Release Form, attached, respectively, as Exhibits B and D to the Settlement Agreement;

(4) approving the proposed procedures for dissemination of the Notice and Summary Notice in the manner set forth in the Preliminary Approval Order, as being the best notice practicable under the circumstances and in accord with the requirements of due process and FED. R. CIV. P. 23;

(5) determining the time, date and place of the Final Approval Hearing; and

(6) establishing deadlines for filing papers in support of final approval of the Settlement, the Plan of Allocation, Settlement Class Counsel's application for attorneys' fees, reimbursement of litigation expenses and Plaintiffs' Service Awards, and for Settlement Class Members to request exclusion from the Settlement Class, make objections to the Settlement, the Plan of Allocation, or the application for attorneys' fees, reimbursement of litigation expenses and Plaintiffs'

Service Awards, or otherwise be heard in connection with any other matter concerning the proposed Settlement.

The grounds on which this motion is based are set forth in the accompanying memorandum of law, together with documents, exhibits and additional information set forth in, or attached to, the Lederer Decl. In addition, Plaintiffs have conferred with defendant FMC prior to filing this motion and have been advised that FMC supports entry of the Preliminary Approval Order. Lederer Decl. ¶ 9.

Accordingly, Plaintiffs respectfully request that this motion be granted and that the Court adopt and enter the Preliminary Approval Order.

Dated: August 1, 2019

Respectfully submitted,  
Berger Montague PC

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- and -

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